IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 18 OF 2005

MRS. MARIA SANTANA VAZ,AQUEM-BAIXO,SALCETE GOA. ....Petitioner

Versus

SHRI BERNARD FERNANDES AND 2 ORS., ...Respondents

Mr. J F. Melo, Advocate for the petitioner.

Mr. A. R. S. Netravalkar, Advocate for the respondent No.3.

Coram:- D. D. SINHA, J.

Date:- 16th November, 2005

P.C.

Heard Mr. J. Melo, the learned Counsel for the petitioner and Mr. A. Netravalkar, the learned Counsel for the respondents. The writ petition is directed against the Order dated 16.11.2004, passed by the Motor Accident Claims Tribunal, at Margao whereby the application moved by the petitioner under Section 140 of the Motor Vehicles Act, 1988 came to be dismissed. Considered the contentions canvassed by the respective Counsel and perused the impugned order. In the instant case, there is no First Information Report lodged by the petitioner. Similarly, the panchanama of the place of the accident is drawn on 18.08.03; whereas the alleged accident had taken place on 13.07.03 and, therefore, the vehicle alleged to have been involved in the accident has not been shown in the sketch of the place of the accident. Except the certificate issued by the Orthopaedic Surgeon showing permanent disability to the extent of 15 %, all the necessary ingredients of Section 140 of the Motor Vehicles Act are not fulfilled.

In the circumstances, the impugned order, in my view, is just and

proper and does not require any interference at the hands of this Court.

Writ petition is dismissed.

D. D. SINHA, J.

ssm.